

REMARKS

Claim 1-16 are now pending in the application. Claims 14, 15 and 16 are new. Claim 14 is dependent upon independent claim 1 and includes the limitation that the computer is located remote from the first image storage location. Claim 15 is dependent upon claim 14 and specifies that the remote computer is located at a third party which is remote from the user's computer where the first storage location is located. New independent claim 16 is similar to claim 10 except there is no notification of the user of the information but the information is automatically updated at the first location. The Examiner has rejected claims 1-13 under 35 USC § 103(a) as being unpatentable over Houchin et al. (5,983,229) in view of Parks et al. (5,025,396) for the reasons set forth therein.

Applicant respectfully submits that Houchin et al. is directed to a method and system totally apart from that of the present invention. In particular, Houchin et al. reference is directed to a technique that tells a software application whether extensions are present and whether or not the extensions should be maintained or deleted if the base line data is modified by the application. See Abstract lines 5-10. The method disclosed in Houchin et al. identifies the validity of an extension so that the ancillary data for a particular extension is maintained in the file if the extension is valid and is removed from the file if the extension is invalid. See column 1 lines 61-64. An example is illustrated at column 3 where it discusses an audio extension that has a persistent value that the audio annotation is always saved with the image independent of any core element modification. Thus, if the underlying image is modified, the extension is always saved. This is quite apart and distinct from the present invention when new information, i.e. metadata is obtained with respect to a digital image. This new metadata is automatically updated with metadata at the first storage location with respect to where the image is stored. Thus, the present invention is not directed to determining whether or not an extension should persist or not, but is directed to associating new metadata for maintaining with a particular image. There is no teaching or suggestion of communicating new metadata at the first storage location as taught and claimed by Applicant. As set forth in claim 1, the present invention is directed to a method for automatically updating non-image metadata

stored at a first location using a first image application. The method includes providing new information with respect to the digital image in a second image application. In the present invention, when working with the image in a second application, if new metadata is obtained, it is automatically updated with the non-image data at the first storage location. This is clearly not taught or suggested by Houchin. There is no teaching or suggestion of automatically updating metadata of the image at the originally stored location as taught and claimed by Applicant.

Claim 8 is the second independent claim and is also directed to a method for automatically updating non-image data stored at a first location which comprises steps of providing at least one digital image of a user to a remote server and the user granting access to at least one third party to the at least one image stored at the remote image server and the third party providing information with regard to the one image using an image application running at the remote site and automatically updating said non-image data with information. Claim 8 has been amended to state that non-image data is updated at the first location, thus making it clear that the updating information not only occurs at the server, but occurs at the first location. There is no teaching or suggestion of communicating this type of information in Houchin as taught and claimed by Applicant.

Claim 10 is similar to claim 8 except notifying the user of the existence of additional information and giving the user the option to accept or reject the additional data. Here again the Houchin et al. reference does not teaching or suggest the invention for the same reasons previously discussed. Further there is no teach or suggestion of the notification of the existence of the information and updating if the user decides to do so.

Claim 11 is similar to claim 10 except there is transferring of the at least one digital image from the first storage location directly to the third party computer over a communication network.


Claims 12 and 13 are additional independent claims directed to software for working with a digital image stored at a first location and having associated information provided in a designated format. The software allows the user to obtain access to an image stored at a first location and providing information with respect to the digital image and automatically sending additional information back to the first storage location. There is communication of this new additional image metadata to the original first storage location. Here again this is

not taught or suggested by Houchin et al. Claim 13 is the last independent claim and is directed again to a software application designed to be placed at the users for receiving new non-image data associated with a digital image from a second image application over a communication network. This claim provides that the communication of new additional metadata that has been provided at some remote location which is added to the metadata at the first storage location. As previously noted, this is not taught or suggested by Houchin et al.

The secondary reference relied upon by the Examiner to Parks et al. is not relevant to the present invention nor would it be obvious to combine this reference with the Houchin et al. reference. The Parks et al. reference is directed to a method of merging alphanumeric data stream with a digitized image file. This is directed to a data storage and retrieval system. As set forth at column 3, lines 4-11, the invention described therein is directed to a means to process coded data along with image systems and the ability to process either in the workstation, with the additional capability of automatically merging the two on a display or printer bit plane if they have been logically related through record header information. Thus, there is simply combining alphanumerics with images. There is no teaching or suggestion of having a first image at a storage location having metadata which is updated with other metadata of the same image located at a remote location.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Pincelli", written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.